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August 21, 2008

VIA FACSIMILE  
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Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1320  
New York, NY 10007

Re: **Celeste Williams et al., v Twenty Ones, Inc., et al.**  
**Index No. 07-CV-3978 (LAP)**

Dear Judge Preska,

Based on the conference before your Honor yesterday, the Individual Defendants, Shawn Carter and Juan Perez, will voluntarily withdraw their motion to dismiss to permit the Plaintiffs to complete their discovery on the issue of individual liability by giving the Plaintiffs the opportunity to depose each of these Individual Defendants for a period not to exceed three (3) hours. After the completion of these depositions, the Individual Defendants may request the Court to establish a summary judgment motion briefing schedule.

In addition, the motion to dismiss the Plaintiffs' state law claims, which were made by all the Defendants, will remain deferred until after the close of the FLSA opt-in period.

*are denied as premature subject to re-  
instatement by letter*

Respectfully submitted,

*Michael J. DiMattia*  
Michael J. DiMattia

MJD/jm

cc: Sara D. Sheinkin, Esq. (via facsimile)  
Andrew P. Marks, Esq. (via facsimile)  
D. Maimon Kirschenbaum, Esq. (via facsimile)  
Richard Burch, Esq. (via facsimile)

SO ORDERED

*Loretta A. Preska*  
LORETTA A. PRESKA  
UNITED STATES DISTRICT COURT

*August 25, 2008*